



special
collections

DOUGLAS
Library

queen's university
AT KINGSTON



KINGSTON ONTARIO CANADA

Wing M1364 02

THE
LAWFULNESS

Of Taking the
New Baths
ASSERTED.

Licensed and Entred according to Order.



L O N D O N,

Printed for J. Mills, and are to be Sold by Randall
Taylor near Stationers-Hall, 1689.

AC911.7679.1132



The Lawfulness

Of Taking the

New Oaths, &c.

THough our late Common Danger united us all in hearty Desires of Deliverance, yet when those Desires are granted, we are so unfortunate as to divide again about the Methods of securing that Blessing: We all agreed, That upon the late King's withdrawing we were left without Government, or else, Why was the Government seized? It was then thought not only necessary but lawful to put the Supreme Administration into his hand, who had been the Instrument of our Deliverance; and therefore the Prince was desired to take it on him: We generally believed a further Settlement necessary, and that a Conven-

tion was the best way to make that Settlement, otherwise, Why was a Convention advised? Or, Why were the Members so unanimously Chosen? But after they met, and happened to differ about the best Expedient, those who had gone so far without Scruple or R  gret, began then to fly off and grow discontented: Now since all the People virtually or actually chose their Representatives, or fate there in their own Right, or by virtue of this Election, it seems to me, that all Persons did refer this Matter to the Arbitration of this Convention, and are obliged to submit to the major Vote of this Assembly, which were Judges of their own Choofing: And if we consider how various, and how positive, particular Men and Partys were in their Opinions of the best means to settle us, we shall conclude there was no way to compose us, but by leaving it to our Representatives to adjust, for otherwise we must have had an eternal Squabble, and no settled Government at all: Some were for Treating with, and Restoring King *James*, and educating the *Prince of Wales* a Protestant; others for a Regent with Royal Power; others for Crowning the *Prince of Orange* alone, some for Crowning the *Queen* alone, and some for a Common-wealth: Now in this variety of Opinions, whatever way the Convention had taken, many would have been disgusted that their Method was rejected; wherefore, though some are dissatisfyed with the Course which was approved by the major Vote, yet if settlement were necessary, and this referring it to the decision of a Convention the only way to procure it, then all Persons seem oblig'd to submit to the way they have chosen.

But

But they say :

The Decree is unjust, because it alters the Succession, and injures the Title of both the Princesses, to which, being sinful, they cannot Consent.

We Answer, The Princess who is generally believ'd the Right Heir, is made actual Queen, and the publick Acts are in her Name; but her Modesty and Prudence is such, That she deemed herself unfit in this juncture to manage the Supreme Power alone, and therefore by the Consent of herself and her Sister, the Prince was joined in the Title, and trusted with the Supreme Administration for his Life only : Now considering his fitness for this place, and his high Merit, both as to the Princesses, in rescuing their Title from a design'd and final Defeat, and as to the People of *England*, in delivering their Religion and Laws from an intended Subversion, we cannot think it very unreasonable to requite this unparallell'd Service with the highest Personal Reward, especially, since it ceases with his Life, and then returns into the old Channel : It was as small a Deviation from the Right Line, as the Case would bear, which Case was so extraordinary, That since the like Circumstances will scarce ever happen again, there is no great danger that this can be made a Precedent : It was more irregular in that Convention, which while the Lady *Elizabeth*, the true Heir of the Crown was living, declared *Henry* the Seventh King, without joining her in the Title, or taking Notice of her Right; yet all the Nation

sware Allegiance to him before his Marrying that Lady, and he is to this day owned a Lawful King, and his Laws are still in force: But here the Right Heir is declared Queen, and Allegiance sworn to her, and the Prince however is King, *de facto*, and it is from him we all principally expect Protection, and therefore he may, and must expect Allegiance from us, even though his Title in our opinion be not without Exceptions. We know the *Jews* were to seek the Peace of that Government, by which they were made Captives, and to pray for it; and the Primitive Christians enquired not whether their Emperours were set up by the Sword, or the Senate, but prayed for them, and were faithful to them, when they were set up without any scrutiny into their Title: Besides, if there were any Injustice in this, those Members of the Convention who dissented, are clear of the supposed Guilt, and have done all in their power to hinder it. But being over-rul'd, they are to submit, and since they as well as others desire to be protected, they must consider that it is impossible for this Government (if those who are under it will not give security for their Allegiance) to preserve it self or defend them in a time when there are so many Divisions at home, and so great Dangers threatening us from abroad: They desire to live quietly, that is to enjoy the benefit of this Government, and the necessary means for attaining that Quiet, is for all under the Government to be faithful to it; otherwise we decline the means, and yet would have the end; we refuse the Duty, and yet expect the Reward.

Secondly,

Secondly, It is Objected :

That these Persons have Sworn Allegiance to King James, his Lawful Heirs and Successors, and declared, that no Power on Earth can Absolve them from this Oath.

We Reply : All political Writers (except some late English Authors) do suppose some Cases whereby a King may forfeit his Dignity, and consequently his Right to our Allegiance. Now if this be the Case of King *James*, we need no absolution, for he devests himself of his Right to Govern us, and then our Oath cannot oblige us : And these Men cannot deny his Breach of his Promises and Oath, his Arbitrary Suspension of Laws, his manifest Endeavours to subvert our Religion, and change the whole Constitution of our Government, his open Invasion of Liberty and Property ; and his first voluntary deserting us in a time of danger, leaving us without Government or Means of Defence : Now one of these by some Writers is affirmed to be a Forfeiture, but all of them concurring as in our Case, are abundantly sufficient to take off the Obligation of that Oath. And we cannot but think many of those who are now dissatisfied, did once believe they were not oblig'd by that Oath of Allegiance to King *James*, because they did not discover those Plots against him, which they could not but have some notice of, and were so far from giving him Assistance, that they stood by and let him sink, yea, they seiz'd on the Government upon his withdrawing,
and

and offered the Administration of it to his Enemy, without his Consent, and against his Will: They also obeyed the Prince's Orders, and by his Summons, came and sate in a Convention, not Called by King *James* his Authority, and all this while were well pleased, yet these and many other Acts are directly contrary to that Oath, so that we must either charitably hope they believed that Oath was not obligatory, or suppose them wittingly guilty of such Perjury, as their Integrity and Characters forbids us to suspect them for: If these Scruples however had been moved sooner, they might have been serviceable to King *James* his Interest, of which they seem now very tender; but as they come too late to serve him, so they can now be of no use, but to hinder our Settlement, and encrease our Divisions: The publishing them now being as great disservice to this Government, as the concealing them before was to that of the King withdrawn: And since Conscience in Wise Men is alwayes Uniform, this unseasonable Niceness is by their Adversaries thought to be the effect rather of Passion, than tender Conscience; But allowing that Censure to be unjust, we will suppose their Oath obliged them to defend King *James* his Title, and his Person, while he was here, which few then endeavoured to do; yet it will not follow, that therefore It obliges them now to stand by him when he hath deserted them, when his Person is withdrawn, his Power broken, and his Government in Fact dissolv'd; since a Souldier who hath sworn Allegiance to his own Prince, when the Army is routed, may take Quarter from his Enemy, and bear Faith to him that preserves

preserves him without any breach of his former Oath. And I cannot but wish these Gentlemen would be sparing however of urging the obligation of their Oath to King *James*, because that makes it more necessary for the present Government to insist upon a new Security for their Allegiance, lest upon any opportunity they should so far pursue their supposed Duty as to joyn with King *James* to the Ruine of this King.

Thirdly, They Affirm :

They will give all imaginable assurance to live Peaceably under the Government of the present KING and QUEEN, and this they hope may be sufficient.

'Tis Replied, Though it be not doubted but the best of these scrupulous persons would live peaceably, yet if the example should spread, it cannot be hoped that all who pretend the like scruple will imitate them in their submission and integrity, and if the Government shall need a considerable actual assistance, peaceable neutrality is not sufficient ; in such a case not to assist the Government is to subvert it : But to look more narrowly into this offer of assurance, to live peaceably, it is not easy to apprehend how such as believe themselves to be still obliged by their Allegiance to King *James*, can give security to live peaceably under this KING and QUEEN, since they take themselves bound to assist King *James*, and Defend his Title as soon as they have opportunity ; So that when the present

Governors shall stand in most need of their help, they must fail them; yea and oppose them, and therefore this is a promise which ere long they may believe themselves bound in Conscience to break; and so it is no security to King *William*, &c. but a meer artifice to delude them, a promise which may very shortly contradict their former Oath, and therefore they cannot in Honour offer it, nor the Government in Prudence accept it as a Security or Assurance. And if they do intend to assist King *James* upon the first opportunity, they ought not to make this promise; if they do not, then they actually pay Allegiance to the present King, and therefore there is no reason why they may not swear they will bear Faith and true Allegiance, who in a case of Danger resolve to keep that Oath. And when we consider the brevity and modesty of this New Oath, which determines not the New Kings Title to the Crown to be strictly Legal, but only supposes him King *de Facto*, and obliges Men to swear they will be in no Plots against him, but obey him so far as by *LAW* they are bound. We shall find very little just ground of refusing to take it to him who hath Delivered them, and will Defend them; for whatever we honestly intend to do, we may swear (when Authority requires it) we will do that, especially when the consequence and example of our refusal will create Faction at present, and does tend to the Ruin of our Nation hereafter.

Finally, they Alledge:

*That some Men now at the Helm, design to
Alter the Established Government in Church and
State,*

State, to which they cannot Comply, and will rather suffer for opposing such Attempts, than sin by promoting them.

We Answer, That if we grant there are some such in our publick Counsels, their number is not able to ballance those of better Principles, as many late experiments have declared : However, Nothing contributes more to the accomplishment of these evil Designs, than for so many of our Principal Friends in both Houses, who love the Monarchy and the Church, to desert their Stations in so critical a juncture ; by this we lose their Advice and Votes in our publick Counsels, and the adverse party gains both strength and advantage by their absence : Nor will they omit to improve this occasion by representing them as dangerous and disaffected to the present Government, which in its own Defence will think it necessary to encourage those who will more readily assist it, which may be justly feared will end in giving a greater Liberty to those who dissent from us, than is consistent with our safety. Wherefore instead of complaining at the growing Interest of others, and our own seeming to decline ; we should consider whether this be not necessity rather than choice in our Governors ; and if our Stiffness and Non-compliance drive them upon that necessity, we must not accuse others for the natural and necessary consequences of our own actions. 'Tis evident, the Principles of the Church of *England*, though never so moderatly Stated, are more suitable to the Interest of this Monarchy, than

those of any other Party; so that if the Members of this Church would unanimously comply with the present Settlement, none would have so great Favour as these: Others have been promised Ease and Liberty, and on the account of the common *Protestant* Interest they may justly expect it; but if our dissatisfactions hinder not, the Church may still flourish, and the Monarchy be safe, which cannot be supposed to slight its best Friends; or seek its own Destruction; so that our compliance will not only secure us against the Fears of any dangerous Alterations, but keep those who wish us well in such posts, that they may have the conduct of such condescensions as ought to be granted in this juncture. In a Word, if it be in these Mens opinion a Sin to promote the Designs of evil princip'd Men; that non-compliance which promotes them is the very crime they are afraid off: And those sufferings which they seem to covet, will be neither for their Honour, nor the Churches benefit; nor can they suffer in this Cause single, but the poor Church will suffer not only with, but perhaps for them; to be an occasion of which woful consequence will scarce by Wise Men be accounted Meritorious.

To Conclude.

Either Men do well to take this Oath, or they did very ill who contributed so much toward the present Settlement; these later Acts are done in defence of the former, and if we had been more early scrupulous, things had not gon thus far. However,
if

if we think the present methods were either strictly lawful, or absolutely necessary, we may safely comply with them; and though we do judge them not exactly regular, yet we may rather wonder (in so great and strange a Revolution, and under so Dire a necessity of a speedy Settlement) things are not more amiss, than complain of some few deviations from ancient rules and usages: This juncture could not bear nice and accurate proceedings; but if we all Unite, a little time will bring all things into the former current: Extraordinary Cases, such as this was, must have extraordinary Cures; and that necessity which drives us a little out of the Road, excuses us for so doing; or however, from any guilt by submitting to that which is done by others. It was generally agreed in our publick Council, that a *Popish* Successor would be dangerous and destructive to this Government; and is not a *Popish* King so also? And then, is not paying allegiance to him the means to effect that destruction? Can our Religion bind us to assist him whose main end was and will be to extirpate it? Or can our Conscience oblige us to oppose him who comes to rescue and secure that which we believe in our very Consciences to be God's Holy Truth? That small alteration in the Government is but merely temporary, but the consequences of not submitting to it, will be as lasting as they are dismal. We have brought all the *Protestants* of the Royal Family into extrem danger; and if we desert them now, we give them and all our hopes under God together into the hands of such as will destroy them. We pretend to fear *Popery* and *Fanaticism*, yet some of us take

the ready way to let in one or both of these upon us. Nothing but our Union can prevent these mischiefs, and nothing promotes both those Interests more effectually than our Divisions : 'Tis certain, those who are of our Church have for the main the same principles and the same reason to desire its welfare, yet very many of great Honour and Prudence, and of Eminent Piety and Integrity, do hold it lawful to take these Oaths. And such as differ from this opinion cannot prove it unlawful; therefore methinks a little humility might teach us to yield up a disputable point for the safety of our Religion and Country, especially when the scandal of our differing is so notorious, and the consequences of it so fatal to the whole Community. We see the late King hath done more than the generality of Casuists think is necessary to a Forfeiture of his right to our Allegiance. And we know he can never be actual King here, but by an absolute Conquest, which will be to our utter Ruin; And do we dote upon that Allegiance to him, which his own Acts have both freed us from, and rendred as destructive as it is unpracticable? Shall we in this Age expect a Miracle to preserve us from that misery from which God hath already once saved us, when we wilfully run a second time into it? Have we not now (as *Protestants* generally believe) the next in Succession on the Throne, and by her consent a fit and able Person joyned in the Royal Dignity, who aims at nothing more than the safety of Religion, and the good of the whole Nation; and shall we Ruin all his Glorious Designs by denying him that Allegiance which our Laws say is due to every

every King *de Facto*? Can we desire the benefit of his Protection, and the Priviledges of Subjects, and not pay him that Duty and Service which his Dignity requires, and his singular Merit deserves? Let us but seriously resolve to lay aside all peevishness and pride, and that esteem we are so apt to have for our own notions: And then I doubt not but it will appear to be both our Duty and our Interest to take this Oath, to be lawful, reasonable and necessary, as well to promise as to Pay our Allegiance to our present KING and QUEEN; under whom if their Subjects do agree, they cannot but enjoy all the Temporal Happiness they can expect or desire; and may certainly escape all those dangers to which they were so lately exposed.

F I N I S.



